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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,596	01/20/2000	Todd R. Collart	IACP018	6028

22242 7590 09/21/2005

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CHICAGO, IL 60603-3406

EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/489,596

Applicant(s)

COLLART ET AL.

Examiner

Johnny Ma

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 21-34 and 36-47.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


**VIVEK SRIVASTAVA
PRIMARY EXAMINER**

Continuation of 3. NOTE: Amendments to claims 31 and 45 would require further search and consideration..

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/30/2005 have been fully considered but they are not persuasive.

As to claims 21-23 and 27-28, Applicant argues “[t]he combination of Dodson and Rice does not teach or suggest bookmarking keywords as claimed.” The examiner respectfully disagrees. As stated in the previous Office Action, the Dodson et al. reference discloses “a method according to the present invention for saving [bookmarking] the results of an Internet search which can be initiated for search term which are automatically generated” (Dodson 5:11-34). In other words, the Dodson et al. reference discloses bookmarking the search results of the keywords, not bookmarking the keywords themselves. Note, the keywords correspond to a link to an Internet search. Thus the Rice reference was relied upon for disclosing allowing a user to either directly link to an advertiser’s website (predetermined information) or bookmark the link for access at a later time (Rice 2:41-59). Therefore, the examiner submitted “that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson keyword search linked to the Internet with the Rice bookmarking of links for later retrieval for the purpose for allowing interested users to access additional information a more convenient time if they prefer not to interrupt currently displayed content (Rice 6:22-33). The Dodson and Rice combination teaching the bookmarking of the link, the Dodson keyword, for later retrieval.

Applicant further argues “[f]urthermore, the office action has equated the claimed ‘keyword’ and the separately claimed ‘first code’ as both being equal to ‘search terms’ described

Art Unit: 2617

in Dodson et al. By equating the 'first code' to being equivalent to a 'keyword' the office action has effectively read the limitation out of the claim." The examiner respectfully disagrees. The relevant portion of the claim reads "receiving a keyword and a first code associated with the video image over a second communication channel." It is noted that the features upon which applicant relies (i.e., a special definition of first code that precludes a keyword) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As discussed in the previous Office Action, the keyword and first code were met by different keywords available for search. Furthermore, the claimed "associated with predefined information relating to the keyword" was met by "wherein a single automatic search term serving as a keyword, and one of remaining automatic search terms serving as a first code in that it is related to the keyword since they characterize the same programming." Further note, the predefined information was met by "the automatic search terms are used to perform a search that returns results, the search results associated with the first code, wherein the results are inherently information that is predefined since it would be impossible for a search to pull up such information if the information was not already defined." In view of the discussion above, the Examiner respectfully disagrees that "that 'first code' cannot be equated to a 'search term' because this is not a 'search term' but instead a code that is specifically associated with predefined content." The claimed first code has not been claimed in a manner that would preclude a search term.

Conclusion


Art Unit: 2617

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



VIVEK SRIVASTAVA
PRIMARY EXAMINER